The following citizen petition articles were submitted for the 2007 Annual Town Meeting.

Citizen petition articles will be printed as submitted by the petitioners and may contain typographical and other errors.

The articles will be numbered and ordered in the final warrant to be adopted by the Board of Selectmen.

(Town Sewer District Map Change)
To see if the Town will vote to:

Grant to Allen Comeau Sewer Hook-Up on 9 Comeau Lane from Sandra Comeau 7 Comeau Lane.

(Catherine Ernsberger, et al)

(Bylaw Amendment: Noise)

To see if the Town will vote to make the following changes to Chapter 101 (Noise) of the Code of the Town on Nantucket:

- § 101-1 Prohibited activities; violations and penalties.
- A. It shall be unlawful for any person or persons, between the hours of 10:00 pm and 7:30 7:00 am
- B. It shall be unlawful for any person or persons, between the hours of 10:00 pm and 7:30 7:00 am.
- § 101-2 Noises prohibited; exemptions.
- C. Power tools. It shall be unlawful to cause a noise disturbance across a real property line by operating any mechanically powered saw, sander, grinder drill, lawnmower or garden tool or similar device used outdoors, with the exception of snow blowers, before 7:30 7:00 a.m. Monday through Saturday and before 10:00 a.m. Sunday...
- D. Radios, television sets, musical instruments and similar devices. It shall be unlawful to operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound between the hours of 10:00 p.m. and 7:30 7:00 a.m. in such a manner as to create a noise disturbance across a real property boundary.
- § 101-4 Noise tables.
- A. Table I: Limiting Noise Level for Use Districts.
 - (1) For the purpose of this table, "day" shall be defined as 7:30 7:00 a.m. to 10:00 p.m., and "night" shall be defined as 10:00 p.m. to 7:30 7:00 a.m.

(James Lydon, et al)

(Zoning Bylaw Amendment: Permitted Uses)

To see if the Town of Nantucket will vote to amend the Zoning by-law § 139-7 by changing the language in section A.2 "Permitted Uses," by deleting the stricken text and adding the parenthetical text as shown below; and adding section A.2 j. as shown below:

A.2. One detached building constituting a secondary dwelling.

The principal purpose of s (S)econdary dwellings is to create (shall only be created to provide) housing opportunities through the provision of affordable rental housing for year-round residents, including senior citizens, while affording the owner of the primary residence with the opportunity to generate supplemental income.

A.2.j. On an annual basis, by a date to be determined by the zoning enforcement officer, the property owner of the secondary dwelling created after April 9, 2007 must submit a completed form to the zoning enforcement officer as evidence that said secondary dwelling is occupied by year-round residents(s). The annual form shall be distributed in a manner to be determined by the Town Administrator. Failure to provide such form shall constitute a violation of this section and may be enforced pursuant to 139-25.

(Barbara Gookin, et al)

(Home Rule Petition: Community Preservation Act)
To see if the Town of Nantucket will vote to amend the Community
Preservation Committee law (MGL c. 44B, §§ 3-7) as adopted by the Town of
Nantucket in April 2001, by changing the language in section six by deleting the
stricken text and adding the parenthetical text, as shown below;
Section 6. In every fiscal year and upon the recommendation of the community
preservation committee, the legislative body shall spend, or set aside for later
spending, not less than 10 per cent of the annual revenues in the Community
Preservation Fund for open space, but not including land for recreational use, not
less than 10 per cent of the annual revenues for historic resources and not less
than 40 (80) per cent of the annual revenues for community housing.

(Barbara Gookin, et al)

(Zoning Bylaw Amendment: Mixed Income Residential Developments) To see if the Town will vote to amend Section 139-7I of the Nantucket Zoning Bylaw by changing the year stated in Section 139-7I (17) from "2007" to "2009".

(C. Richard Loftin, et al)

(Appropriation: Community Preservation Committee)
To see if the Town will vote to act on the report of the Community
Preservation Committee on the Fiscal Year 2008 Community Preservation
Budget and to appropriate or reserve for later appropriation monies from
Community Preservation Fund annual revenues or available funds for the
administrative and operating expenses of the Community Preservation
Committee, the undertaking of Community Preservation Projects and all other
necessary and proper expenses for the year.

Purpose	Amount
Open Space Conservation	
Nantucket Conservation Foundation	
University of Massachusetts Field Station Purchase	
	\$300,000
Nantucket Land Council, Inc.	
270 Pristine Acres from Madaket Rd. to Eel Point Rd.	
(Conservation Restriction)	\$300,000
Prospect Hill Cemetery Association	
Preservation & Restoration of E.B. Lewis Cemetery	\$25,000
Nantucket Park and Recreation Commission	
Tom Nevers Swing Set	\$2,200
Skate Board Park Phase IV - In Ground Portion	\$150,000
Youth Fields, West	\$400,000
Subtotal	1,177,200
Community Housing	
Board of Selectmen, Town of Nantucket	475.000
2 Fairgrounds Road Housing	\$75,000
Nontrolest Louising Office	
Nantucket Housing Office	
Scattered Site Community Housing Rental Program:	¢175.000
Housing Recycling Nantucket Housing Office - Year Six	\$175,000 \$155,000
Nantucket Housing Office - Year Six	\$155,000
Subtotal	\$450,000
Historic Resources	Ψ+00,000
Artist's Association of Nantucket	
AAN Permanent Collection Archiving & Restoration	\$7,830
Cemetery Commission Workgroup, Town of Nantucket	4 7, 666
Nantucket Cemeteries Restoration Project - Phase I	\$61,500
First Congregational Church of Nantucket	+,
First Congregational Church Preservation Project	\$300,000
Nantucket Historical Association	¥ /
Greater Light Residence Restoration Project	\$400,000
Nantucket Preservation Trust	*,-
Nantucket National Historic Landmark District Update	\$85,000

Purpose	Amount	
Two Center Street Restoration Project, Inc.		
Restoration of the Historic Methodist Church Building	\$160,000	
Sconset Trust, Inc.		
Preservation of Sankaty Head Lighthouse	\$300,000	
Subtotal	\$1,314,330	
Administrative		
Community Preservation Committee		
Administrative and Operating Expenses	\$93,211	
Subtotal	\$93,211	
TOTAL	\$3,034,741	

And amounts to be appropriated from the following sources:

SOURCES	AMOUNT
Raised and appropriated from FY2008 Community	
Preservation Surcharge	\$1,526,000
From State matching funds for FY2007, to be received in	
FY 2008	\$1,350,000
From undesignated reserve fund balance	\$158,741
Total Revenues	\$3,034,741

for Fiscal Year 2008 Community Preservation Purposes with each item considered a separate appropriation to be spent by the Community Preservation Committee.

Provided, however, that the above expenditures are conditional upon the recording of appropriate historic preservation restrictions for historic resources; open space restrictions for open space resources, and for affordable housing restrictions for community housing; running in favor of an entity authorized by the Commonwealth to hold such restrictions for such expenditures; meeting the requirements of Chapter 184 of the General Laws pursuant to Section 12 of the Community Preservation Act.

(Kenneth L. Beaugrand, et al)

(Home Rule Petition: Nantucket Islands Land Bank)

To see if the Town will vote to request its representatives in the General Court to introduce legislation seeking to amend the current Land Bank Act to provide that 25% of all funds collected each year be allocated for the purpose of affordable housing on Nantucket; and further to allow that certain Land Bank lands may be used for such housing as approved by Town Meeting, and to authorize the General Court with the approval of the Board of Selectmen to make constructive changes in perfecting the language of this proposed legislation in order to secure passage.

(Curtis L. Barnes, et al)

(Real Estate Conveyance)

To see if the Town will vote to settle the case concerning whether the Town, acting through the Airport, owns the land underneath the house where the Shaw family lives year-round, by accepting from the Shaw family a reasonable payment in exchange for the Town's Agreement for Judgment that Mr. Shaw owns that land. The land is shown on Nantucket Assessor's Map 88 as Parcel 23 and is known as 58 Madequecham Valley Road.

(Eric Shaw, et al)

(Bylaw Amendment: Town Collector and Town Treasurer/Tax Deferral for Renovated Historic Properties)

To see if the Town will vote to amend §40 (Town Collector and Town Treasurer) of the Code of the Town of Nantucket, as follows:

Section 40-4: TAX DEFERRAL FOR RENOVATED HISTORIC PROPERTIES A. Creation of a Special Property Tax Assessment

A special property tax assessment is created for substantial rehabilitation of owner-occupied residential properties or those properties subject to a preservation restriction considered contributing or individually significant within the Nantucket Historic District. The increase in assessed value resulting from substantial rehabilitation of eligible properties shall beabated for a period of seven (7) years, then returned to the full assessed value of the property. The special assessment shall extend only to the building(s) or structure(s) that are rehabilitated. The purpose of this section is to encourage appropriate renovations to the interiors and exteriors of historic buildings.

B. Eligible Properties

In order to be eligible for the special assessment property must meet the following criteria:

- a. The property to be rehabilitated must be occupied by the owner exclusively for residential purposes, or be subject to a preservation restriction, and be listed on the State Register which is maintained by the Massachusetts Historical Commission (MHC) pursuant to M.G.L. Ch. 9, Section 26C, either individually or as a contributing or individually significant element within an historic district.
- b. The cost of rehabilitation, as that term is defined in 950 C.M.R-72.04, must be no less than 15% of the assessed value of the property prior to rehabilitation. Not less than 5% of the cost of rehabilitation shall be dedicated to rehabilitation of the exterior of the historic building,
- c. The property owner must present to the Assessor a certificate from the MHC stating that the proposed rehabilitation meets the Secretary of the Interior's Standards. The Nantucket Historical Commission may obtain this certification from the MHC for the owner.

C. Application Process

- (1) Property Owner: A property owner must submit an application, on a Rehabilitation Eligibility form provided by the Assessor. The property owner is responsible for the following information on the Rehabilitation Eligibility form:
 - (a) certification from the MHC that the rehabilitation as proposed meets the Secretary of the Interior's Standards;
 - (b) proof of the applicant's ownership and occupancy of the subject property, or proof of a preservation restriction; and
 - (c) the total cost of certified rehabilitation, with cost breakdown for interior and exterior structure rehabilitation.
- (2) Assessors: Within 30 days of receipt of a completed Rehabilitation Eligibility form, the Assessor shall determine whether the proposed rehabilitation

meets the eligibility criteria set forth in Section 40-4B, and will notify the owner of its decision via an Eligible Project Certificate.

- (3) Property Owner: No later than two (2) years after completion of the rehabilitation, the property owner shall provide to the Assessor a certification that the completed work conforms with the proposed rehabilitation and meets the Secretary of the Interior's Standards. The owner shall obtain such certification from the MHC, or from the Nantucket Historical Commission, or from the holder of a preservation restriction, as noted in section 40-4F.
- (4) Assessors: The Assessor will grant final approval of the special assessment upon receiptof the certification described above.

D. Effective Date of Special Assessment

The special assessment will take effect on the first day of the next fiscal year after the completed work certification is received by the Assessors.

E. Time Limits

- (1) An owner shall apply for the special assessment no later than two (2) years after completion of the rehabilitation certified by the MHC.
- (2) In order to be included in the total cost of rehabilitation as defined in 950 C.M.R. 72.04, all rehabilitation work mustbe completed within a three (3) year period.

F. Other Provisions

The following provisions outline policies for ensuring that the owner who receives the special assessment maintains the property in the manner intended by the enabling legislation.

- (1) An owner who applies for the special assessment shall agree in writing to maintain the subject property in accordance with the Secretary of the Interior's Standards for the duration of the special assessment. Failure to maintain the property in accordance with the Secretary of the Interior's Standards for the agreed period of time shall result in revocation of the special assessment. The property owner may agree to maintain the property with;
 - (a) A preservation restriction, including interior spaces
 - (b) An agreement with the Nantucket Historical Commission to have the chair or their designee to review thestructure at the completion of the seven year period
- (2) In the event that the restriction holder or the Nantucket Historical Commission informs the Assessor that the owner has failed to maintain the subject property in accordance with the Secretary of the Interior's Standards, the Assessor shall notify the owner in writing and the owner shall have 30 days in which to demonstrate that the property has been maintained in accordance with the Secretary of the Interior's Standards or, if not, to remedy such failure.
- (3) An owner who receives the special assessment shall annually, for the duration of the special assessment,
 - (a) provide the Assessor with written certification that he or she still owns and occupies the property which is the subject of the special assessment, unless a preservation restriction has been placed on the structure prior to the work,

- (b) provide the Assessor with certification from the MHC, or from the Nantucket Historical Commission, that the property continues to be in compliance with the Secretary of the Interior's Standards and that the subject property is still listed on the State Register.
- (4) The date of any of the following occurrences shall terminate the special assessment:
 - (a) written notice from the owner to the Assessors requesting removal of the special assessment;
 - (b) failure to provide certification of compliance with the Secretary of the Interior's Standards;
 - (c) sale or transfer of ownership during the seven (7) year period, except in the course of probate proceedings, or unless a preservation restriction has been placed on the structure prior to the work; or
 - (d) removal of the property from the local historic district.

(Aaron Marcavitch et al)

(Acceptance of Massachusetts General Law/Call Firefighters Health Insurance)
To see if the Town will vote to accept the provisions of Chapter 46, Section 12 of the Acts of 2003, thereby including a member of the call fire department or other volunteer emergency service agency serving the town within the definition of "Employee" under M.G.L. c. 32B, Section 2 (d).

(Kenneth Gullicksen, et al)

(Bylaw Amendment: Committees)

To see if the Town will vote to amend the Bylaws of the Town of Nantucket, by inserting under Article V (Reserved) of Chapter 11 Committees, the following:

"ARTICLE V Town Government Study Committee.

Section 11.18. Establishment, Membership:

In the year beginning 2010 and every five years thereafter, the Board of Selectmen shall appoint a Town Government Study Committee consisting of seven members for a term of one year.

Section 11.19 Function:

The committee shall review the structure of town government including the town charter and bylaws and make recommendations to the town meeting concerning amendments to the charter or bylaws or other recommendations it deems advisable."

or take any other action in relation thereto.

(Charter Amendment: Town Administrator)

To see if the Town will vote to amend the Charter for the Town of Nantucket, Chapter 289 of the Acts of 1996, by adding a new section to Article VI General Provisions to read as follows:

"Section 6.7 - Definitions: (a) The words "Town Administrator, Assistant Town Administrator and ActingTown Administrator" shall mean "Town Manager, Assistant Town Manager and Acting Town Manager" wherever they appear in the Charter and the Town Clerk shall cause any reprinting of the Charter to use the words "Town Manager, Assistant Town Manager and Acting Town Manager in place of the words "Town Administrator, Assistant Town Administrator and Acting Town Administrator, where ever they appear in the Charter."

or take any other action in relation thereto.

(Town Charter Amendment: Our Island Home Board of Directors, Personnel Board)

To see if the Town will vote, as provided for under Section 6.5 of the Charter, Chapter 289 of the Acts of 1996, to amend the Charter by deleting the words "Our Island Home Board of Directors, Personnel Board (4 of 5 members)," from the second paragraph under "Section 3.4 - Selectmen Powers as to Appointments, (3)."

or take any other action in relation thereto.

(Town Charter Amendment: Audit Committee)
To see if the Town will vote to amend the Charter for the Town of
Nantucket, Chapter 289 of the Acts of 1996, by striking, in its entirety, subparagraph (c) of Section 3.5 Further Powers of the Selectmen, and inserting in its
place the following:

"(c) To establish and shall so establish a three member audit committee whose duties shall include appointment of an outside audit firm, review of the annual audit results and evaluation of the internal accounting procedures and controls. The audit committee shall be composed of three members each serving a term of one year. The committee will consist of the Chairman of the Board of Selectmen, the Chairman of the Finance Committee and one member of the Board of Selectmen appointed by the Board of Selectmen; and the Board may further establish an advisory committee to conduct any inquiry or investigation or to make planning, policy or other recommendations."

or take any other action in relation thereto.

(Town Charter Amendment: Appointments)

To see if the Town will vote, as provided for under Section 6.5 of the Charter, Chapter 289 of the Acts of 1996, to amend the Charter as follows:

"In Section 3.4 - Selectmen Powers as to Appointments, sub section (a) (3) second paragraph, delete the words "Disability Commission, Council on Aging and Council on Human Services"

And further in Section 4.3 - Town Administrator Appointments - delete sub section (b) in its entirety and insert in its place the following new sub section (b) to read as follows: "shall appoint and may remove, for cause, members of the following Town boards, councils, commissions and committees: Commission on Disability, Council on Aging, Council on Human Services and Cultural Council, such appointments being subject to a resolution of disapproval by the Board of Selectmen pursuant to Section 3.4 (a) (4) and further the Town Administrator shall also appoint members of other Town boards, councils, commissions and committees, but only to the extent that the power of appointment of the Board of Selectmen under Section 3.4 of this Charter to make such appointments is delegated by the Board of Selectmen to the Town Administrator, such appointments being subject to a resolution of disapproval by the Board of Selectmen pursuant to Section 3.4 (a) (4)."

or take any other action in relation thereto.

(Town Charter Amendment: Employment)

To see if the Town will vote to amend the Charter for the Town of Nantucket, Chapter 289 of the Acts of 1996, by inserting a new sub section to Section 3.1 - Composition, Term of Office and Quorum, to read as follows:

"Section 3.1 (a) Prohibition.

A member of the Board of Selectmen shall not hold any town employment requiring said employee to work twenty or more hours per week, annualized, and for which a salary or other emolument is paid from the town treasury."

(Town Charter Amendment: Shellfish and Harbor Advisory Board)
To see if the Town will vote to amend the Charter for the Town of
Nantucket, Chapter 289 of the Acts of 1996, and add a new article "Article IIIA
Boards, Commissions and Committees" and insert in said Article a new section
as follows:

"Section 3A-3 Shellfish and Harbor Advisory Board.

(a) Composition and Term of Office.

Not withstanding the provisions of Chapter 465 of the Acts of 1976, and any amendments thereto, beginning with the annual town election in the year following the year in which this amendment is adopted, there shall be seven members of the shellfish and harbor advisory board, who shall be residents of the Town of Nantucket, appointed by the board of selectmen for terms of three years so arranged that as nearly an equal number of terms as possible expire each year.

(b) Powers and Duties.

The shellfish and harbor advisory board shall have those powers and duties described in Chapter 465 of the Acts of 1976 as amended.

(c) Transition

It is the intent of this provision that a transition from elected shellfish and harbor advisory board members to appointed shellfish and harbor advisory board members be phased in over a period of time so that as the term of an elected incumbent expires the successor shall be appointed, and should there be a sooner vacating of a previously elected shellfish and harbor advisory board member, his or her successor shall be appointed."

or take any other action in relation thereto.

(Town Charter Amendment: Historic District Commission)
To see if the Town will vote to amend the Charter for the Town of
Nantucket, Chapter 289 of the Acts of 1996, and add a new article "Article IIIA
Boards, Commissions and Committees" and insert in said Article a new section to
read as follows:

"Section 3A-2 Historic District Commission

(a) Composition and Term of Office.

Not withstanding the provisions of Section 3 of Chapter 395 of the Acts of 1970 and any amendments thereto, and beginning with the annual town elections in the year following the year in which this amendment is adopted, there shall be five unpaid members of the historic district commission, who shall be residents of the Town of Nantucket, and who shall be appointed by the board of selectmen for terms of three years so arranged that as nearly an equal number of terms as possible expire each year and further there shall be three unpaid associate members of the historic district commission, who shall be residents of the Town of Nantucket, and who shall be appointed by the board of selectmen for terms of three years so arranged that one term expires each year.

(b) Powers and Duties.

The historic district commission shall have all those powers and duties described in Chapter 395 of the Acts of 1970 as amended and known as "An Act Establishing an Historic District Commission for the Town of Nantucket and Establishing Nantucket Island as the Historic District"

(c) Transition

It is the intent of this provision that a transition from elected historic district commission members to appointed historic district commission members be phased in over a period of time so that as the term of an elected incumbent expires the successor shall be appointed, and should there be a sooner vacating of a previously elected historic district commission member, his or her successor shall be appointed."

or take any other action in relation thereto.

(Town Charter Amendment: Planning Board)

To see if the Town will vote to amend the Charter for the Town of Nantucket, Chapter 289 of the Acts of 1996, and add a new article "Article IIIA Boards, Commissions and Committees" and insert in said Article a new section as follows:

"Section 3A-1 Planning Board.

(a) Composition and Term of Office.

Not withstanding the provisions of Chapter 41, Sections 70, 71 and 72, of the general laws, accepted by Town Meeting in 1928, and beginning with the annual town election in the year following the year in which this amendment is adopted, there shall be five members of the planning board, who shall be residents of the Town of Nantucket, appointed by the board of selectmen for terms of five years so arranged that one term expires each year, and three associate members of the planning board, who shall be residents of the Town of Nantucket, appointed by the board of selectmen for terms of three years so arranged that one term expires each year.

(b) Powers and Duties.

The planning board shall have those powers and duties given to planning boards under the constitution and general laws of the Commonwealth and such additional powers and duties as may be authorized by the charter, by bylaw, or by other vote of town meeting. The associate members of the planning board are to serve in zoning matters as alternates in lieu of any regular planning board member being unable to serve in said zoning matter.

(c) Transition.

It is the intent of this provision that a transition from elected planning board members to appointed planning board members be phased in over a period of time so that as the term of an elected incumbent expires the successor shall be appointed, and should there be a sooner vacating of a previously elected planning board member, his or her successor shall be appointed."

or take any other action in relation thereto.

(Town Sewer District Map Change)
To see if the town will vote to amend the Town of Nantucket Sewer District Map to include the following parcels of land into the Sewer District.

Address	Map/Parcel	Address	Map/Parcel
69 Hummock Pond Road 71 Hummock Pond Road 76 Hummock Pond Road 77 Hummock Pond Road 78Hummock Pond Road 79 Hummock Pond Road 80 Hummock Pond Road 81 Hummock Pond Road 82 Hummock Pond Road 83 Hummock Pond Road	56/320 56/320.1 56/123 56/311 56/125 56/122 56/124 56/121 56/116.1 56/310.2	84 Hummock Pond Road 86 Hummock Pond Road 87 Hummock Pond Road 89 Hummock Pond Road 91 Hummock Pond Road 93 Hummock Pond Road 95 Hummock Pond Road 97 Hummock Pond Road 99 Hummock Pond Road	56/116 56/117 56/310.1 56/120 56/118 56/119 56/309 56/308 56/67.3

(Pauline Singleton, et al)

(Town Sewer District Map Change)

To see if the Town will vote to amend Chapter 41 (Board of Sewer Commissioners), Section 41-3A (Town Sewer District) of the code of the Town of Nantucket Sewer District Map by adding the following parcels to the map.

Map and Parcel	Address
80 178	28 South Shore road
80 177	32 South Shore road
80 118	36 South Shore road
80 117	42 South Shore road
80 62	35 South Shore road
80 (1.2A)64	33 South Shore road
80 296.4	29 South Shore road
80 296.3	29 South Shore road
80 296.2	29 South Shore road
80 296.1	29 South Shore road
80 297.1	25 South Shore road
80 300	4 Blueberry lane
80 301	6 Blueberry lane
80 302	8 Blueberry lane
80 174	2 Field Av
80 171	4 Field Av
80 170	6 Field Av
80 167	8 Field Av
80 164	10 Field Av
80 161	12 Field Av
80 158	14 Field Av
80 155	16 Field Av
80 159	11 Field Av
80 156	14 Foldger Av
80 157	13 Foldger Av
80 160	11 Foldger Av
80 162	10 Foldger Av
80 163	9 Foldger Av
80 165	8 Foldger Av
80 166	7 Foldger Av
80 168	6 Foldger Av
80 169	5 Foldger Av
80 172	4 Foldger Av
80 173	3 Foldger Av
80 175	2 Foldger Av
80 176	1 Foldger Av

(Brendon Hunt, et al)

(Extension of Energy Study Committee)
To see if the Town of Nantucket will vote to extend the sunset date for the Nantucket Energy Study Committee from April 2007 to April 2010, with five members to be appointed by the Board of Selectman for a three year term.

(Barbara Gookin, et al)